

United States Environmental Protection Agency POSITION DESCRIPTION COVERSHEET		1. DUTY LOCATION Boston, MA		2. POSITION NUMBER N090515-002	
3. CLASSIFICATION ACTION a. Reference of Series and Date of Standards Used to Classify this Position PCS for General Attorney Series, GS-0905 12/68					
b. Title		c. Pay Plan	d. Series	e. Grade	f. CLC
Official Allocation SUPERVISORY ATTORNEY-ADVISER		GS	0905	15	001
4. Supervisor's Recommendation Director, Office of Civil Rights and Urban Affairs		GS	905	15	
5. ORGANIZATIONAL TITLE OF POSITION (if any) Director, Office of Civil Rights and Urban Affairs		6. NAME OF EMPLOYEE Sharon Wells			
7. ORGANIZATION (Give complete organizational breakdown)		c.			
a. U.S. ENVIRONMENTAL PROTECTION AGENCY		f.			
b. Region 1 - Office of Regional Administrator		g.			
e. Office of Civil Rights and Urban Affairs		h. Employing Office Location Boston, MA			
H		i. Organization Code Q0A000000			
8. SUPERVISORY STATUS					
<input checked="" type="checkbox"/> [2] Supervisor or Manager. Position requires the exercise of supervisory or managerial responsibilities that meet, at least, the minimum requirements for application of the General Schedule Supervisory Guide (GSSG) or similar standards for minimum supervisory responsibility specified in other position classification standards. <input type="checkbox"/> [4] Supervisor. Position meets the definition of Supervisor in 5.U.S.C. 7103(a)(10), but does not meet the minimum requirements for application of the GSSG. <input type="checkbox"/> [5] Management Official. Position meets the definition of Management Official in 5.U.S.C. 7103(a)(11), but does not meet the GSSG definition of Supervisor/Manager or the definition of Supervisor in 5.U.S.C. 7103(a)(10). <input type="checkbox"/> [6] Lead. Position leads a team performing one-grade interval work and meets the minimum requirements for application of Part I of the Work Leader Grade Evaluation Guide (WLGE) or is under a wage system and meets similar minimum requirements as specified by those job standards or other directives of the applicable pay system. <input type="checkbox"/> [7] Team Leader. Position leads a team performing two-grade interval work and meets the minimum requirements for application of Part II of the WLGE. <input type="checkbox"/> [8] All Other Positions. Position does not meet any of the above definitions. This is a non-supervisor/non-managerial position.					
9. SUPERVISORY CERTIFICATION I certify that this is an accurate statement of the major duties and responsibilities of this position and its organizational relationships and that the position is necessary to carry out governmental functions for which I am responsible. The certification is made with the knowledge that this information is to be used for statutory purposes relating to appointment and payment of public funds, and that false or misleading statements may constitute violations of such statutes or their implementing regulations.					
a. Typed Name and Title of Immediate Supervisor Deb Szaro, Deputy Regional Administrator		d. Typed Name and Title of Second-Level Supervisor Carl F. Dierker, Regional Counsel			
b. Signature <i>Deborah A. Szaro</i>		c. Date 6/1/15	e. Signature <i>Carl F. Dierker</i>		f. Date 5/29/15
10. OFFICIAL CLASSIFICATION CERTIFICATION: I certify that this position has been classified/graded as required by Title 5, U.S. Code, in conformance with standards published by the U.S. Office of Personnel Management or, if no published standards apply directly, consistently with the most applicable published standards.					
a. Promotion Potential <input checked="" type="checkbox"/> This position has no promotion potential <input type="checkbox"/> If position develops as planned and employee progresses satisfactorily, this position has known promotion potential to grade:					
b. PSB Risk Designation <input type="checkbox"/> 1 Low <input checked="" type="checkbox"/> 2 Moderate <input type="checkbox"/> 3 High Security Clearance Required: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		c. Financial Disclosure Form <input type="checkbox"/> OGE-450 Required <input type="checkbox"/> OGE-278 Required <input checked="" type="checkbox"/> No financial disclosure forms required		d. "Identical, Additional" (IA) Allocation This position <input type="checkbox"/> may be IA'ed <input checked="" type="checkbox"/> may not be IA'ed <input type="checkbox"/> is limited to current incumbent	
		e. FLSA Determination <input type="checkbox"/> NONEXEMPT <input checked="" type="checkbox"/> EXEMPT* (*check exemption category) <input type="checkbox"/> Administrative <input checked="" type="checkbox"/> Professional <input checked="" type="checkbox"/> Executive		f. Functional Classification Code —	
g. Bargaining Unit Code 8888	h. Check, if applicable: <input type="checkbox"/> Medical Monitoring Required <input type="checkbox"/> Extramural Resources Management Duties (<u>0</u> % of time) <input type="checkbox"/> This position is subject to random drug testing ()		i. Classifier's Signature <i>Kevin Minoli</i> Kevin Minoli, OGC PDGC		j. Date 6/5/15
11. REMARKS					

**Director of the Office of Civil Rights and Urban Affairs
GS-905-15**

I. Introduction

This position is located in the Office of Civil Rights and Urban Affairs. The incumbent serves as the Director of Civil Rights and Urban Affairs and senior legal advisor to the Regional Administrator (RA) and the Deputy Regional Administrator (DRA). As the Director, Civil Rights Official, the incumbent is responsible for all matters related to civil rights, urban affairs, diversity, equal employment, affirmative employment, special emphasis programs, fairness issues, and all matters affecting the staff and constituents of the regional office. The incumbent serves as a member of the Region's leadership team who advise the RA and DRA on environmental, human capital, and other related policy matters. The incumbent also serves as a Senior Legal Advisor to the Regional Counsel and Deputy Regional Counsel on specific general law matters, serves as the alternate Regional Judicial Officer, and serves as the alternate Regional Presiding Officer.

II. Major Duties and Responsibilities

A. DIRECTOR OF THE OFFICE OF CIVIL RIGHTS AND URBAN AFFAIRS

1. Serves as the principal advisor to the RA and DRA with respect to EPA's internal and external equal employment programs, policies, and the impact of the regional programs on employees. The Incumbent uniquely mediates, advises, and develops approaches to conflicts, issues, and matters raised by the RA and DRA in fulfilling the mission of the organization and creating a model workplace for the employees.
2. Serves as the principal advisor to the RA, DRA and Senior Executives on all matters related to diversity, civil rights, fairness issues, environmental justice programs, and other matters affecting the well-being of regional employees and the impact on the regional environmental programs on the populations in the six New England states.
3. Serves as the principal advisor to the Region's Environmental Justice Council; the group of senior managers and staff who ensure environmental programs and policies are fair and equitably implemented throughout Region 1, New England. Provides leadership to the review and approval of grants and other assistance programs, with the purpose of funding projects to community groups, tribal governments, and other such entities that address environmental justice concerns.
4. Serves as a key advisor for EPA's national Environmental Justice Program and provides technical guidance on policy matters to the headquarters' senior executives overseeing the national environmental justice program.
5. Ensures the implementation of the Region's Special Emphasis Programs, addressing the concerns, needs, aspirations of people of minority heritage and people with disabilities. Coordinates outreach and recruitment programs to meet Federal regulatory requirements.

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6. Oversees the EPA financial assistance in grants and other programs to ensure recipients are not discriminated against on the basis of race, color, national origin, gender or handicap.
7. Directs the Regional Discrimination Complaints Program pursuant to established laws, statutes, and guidelines. Advises the RA and the DRA on agency policies, programs, and goals to designated constituency groups, particularly in low-income, urban and minority communities; and communicates these policies in order to ensure their proper dissemination.
8. Ensures that EPA New England's programs, policies, and procedures are conducted in a manner that promotes equitable protection of human health and the environment.
9. Determines the overall program goals for the activities to include both short and long term planning, encompassing several ongoing cycles of regional program planning and budget cycles. Makes decisions regarding consistency across the office for productivity improvements, accountability, and the effectiveness of employee and organizational performance. Uses initiative and judgment to determine appropriate programmatic priorities and to make decisions affecting the direction of the Civil Rights and Urban Programs in the regional office.
10. Oversees the development of strategies and alternatives to evaluate complex policy issues in the context of the New England environment. Ensures that the unit is responsive to new and developing program areas.
11. Determines office resources needed to accomplish the workplan. Assesses workload capacity and competencies of staff. Develops skills and knowledge by providing employee development training, if needed. Makes determinations and recommendations on promotions and awards.
12. Fosters cooperation, team approaches and other methods to resolve problems. Coaches employees, facilitates learning and problem-solving activities in the face of issues and problems. Works to foster a workplace which embraces the differences we represent to meet the environmental mission.
13. Supports management integrity as a top priority in the office and ensures that it is integrated into daily work. Develops, assesses, and strengthens management control systems, particularly as they impact the civil rights and related programs to safeguard our actions and achieve mission results. Advises senior leaders about weaknesses or vulnerabilities in the organization. Manages extramural resources properly and in compliance with regulatory requirements and agency policies.
14. Establishes guidelines and performance expectations for subordinate staff. Observes staff performance, conducts performance reviews, provides performance feedback, develops work improvement plans and recommends personnel actions, as appropriate. Provides advice and counsel related to work and administrative matters. Reviews, approves or disapproves leave requests. Assures that subordinates are trained and fully comply with the provisions of safety regulation.

15. Performs other duties as assigned.

B. SENIOR LEGAL ADVISOR FOR GENERAL LAW MATTERS

The incumbent provides legal advice to the Regional Counsel and Regional Administrator in the areas of compliance with government ethics requirements and appropriations law when necessary. The Regional Counsel's Office oversees the Region's ethics program and provides advice on often highly sensitive ethics matters. Incumbent provides the legal advice on such matters, and coordinates with the Offices of Human Resources and Inspector General as appropriate. In addition, the incumbent advises on appropriations matters, which often raise challenging questions that require careful legal attention to ensure that the Agency handles public money with integrity.

C. ALTERNATE REGIONAL JUDICIAL OFFICER DUTIES (40 C.F.R. Part 22 and 40 C.F.R. Part 26)

The incumbent serves as the alternate Regional Judicial Officer (RJO) when the Region's current RJO is unavailable or oversubscribed. The RJO is the Agency official to whom the Regional Administrator delegates all or part of his authority in proceedings under 40 C.F.R. Part 22. These penalty proceedings arise out of the Agency's enforcement and regulatory programs under the Federal Insecticide, Fungicide and Rodenticide Acts, the Toxic Substance Control Act, the Clean Water Act, and the Emergency Planning and Community Right to Know Act. The RJO grants or denies requests for extensions of time, grants or denies motions to amend complaints, grants or denies motions to withdraw complaints without prejudice, grants or denies motions to dismiss, sets shorter times to respond to motions, issues orders concerning the disposition of motions, rules on motions filed or made before an answer is filed, finds that defaults have occurred, and issues default orders.

D. ALTERNATE PRESIDING OFFICER DUTIES

The incumbent serves as the alternate Regional Presiding Officer (RPO) when the current RPO is unavailable or oversubscribed. The RPO is the Agency official responsible for conducting adjudicatory hearings in non-APA penalty proceedings arising out of the Agency's enforcement programs under the Resource Conservation and Recovery Act, the Clean Water Act, the Safe Drinking Water Act, the Comprehensive Environmental Response, Compensation and Liability Act, and the Emergency Planning and Community Right to Know Act. The RPO conducts prehearing conferences, administers oaths and affirmations, rules on motions, regulates the course of the hearings, controls the conduct of the parties, counsels and witnesses, assures the adequacy of the record, analyzes legal arguments and facts in the record, prepares a recommended decision, and certifies the record.

These activities require the resolution of complex and other novel issues of substantive law, fact and procedure in accordance with federal administrative law and court decisions. The RPO also issues appropriate orders to implement decisions.

III. SUPERVISION

Supervision for the Civil Rights Director duties is provided by the RA and DRA of the regional office. Guidance is provided solely in the form of general legislation, mission or policy directions and resource constraints. The incumbent typically initiates new projects and activities independently and keeps the supervisor informed of progress in planning, coordinating, and implementing the work and resolving conflicts, plays a pivotal role with the RA and DRA in negotiating or mediating disputes both inside and

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outside the organization on mission-related conflicts. Recommendations and decisions of the incumbent are accepted as technically sound even though final approval may depend on the formal action by senior leaderships. The incumbent has the highest degree of independence in seeking optimum technical or policy solutions to problems in the light of current policy and technical developments.

As the Regional Judicial Officer/Presiding Officer, incumbent reports to the Regional Counsel and the Deputy Regional Counsel on judicial officer/presiding officer matters, but has independence with respect to the determinations to be made in proceedings assigned to incumbent. The Regional Judicial Officer/Presiding Officer's decisions are not subject to regional review for legal sufficiency. The Regional Judicial Officer/Presiding Officer is guided by the statutes and EPA regulations involved in matters before the incumbent, by court and EPA decisions and General Counsel opinions, interpreting those statutes and regulations, and by official Agency policies. The Regional Judicial Office/Presiding Officer works independently, exercising judgment, initiative and substantial discretion in the performance of incumbent's duties. When advising on General Law matters, the attorney has an attorney-client relationship with the relevant Regional Program manager and reports to the Regional Counsel and Deputy Regional Counsel. The incumbent operates with considerable independence, and advice is treated as legally sufficient and usually tantamount to a final agency position.

IV. GUIDELINES

Incumbent conducts investigations, legal research, or other studies. As the Regional Judicial Officer/Presiding Officer must have expert knowledge of the procedural rules applicable to the proceedings before her. These include 40 C.F.R. Part 22, "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits", and various guidance documents governing non-APA administrative proceedings.

V. COMPLEXITY

Cases range from the straight-forward and simple to the most complex and controversial. Difficult questions of fact, law and policy must be addressed and answered. Confusing fact patterns must be clarified and sorted out, and abstruse, arcane legal arguments have to be analyzed with reference to a wide range of materials. Expert analysis of statutes, regulations, policies, legislative and administrative histories is required. Rigorous legal analysis and application of law to facts is necessary to develop sound professional opinion and work product. Sound organization skills are necessary to assure the adequacy of the Agency's record. Difficult professional and interpersonal problems have to be controlled in order to conduct these proceedings properly.

In addition, in handling the ethics and appropriations advice, the incumbent must exercise complete discretion in resolving highly sensitive matters. In addition to mastering complicated fact patterns and legal doctrine, the incumbent must have a finely attuned understanding of appropriate communication channels within the Agency.

VI. QUALIFICATIONS

Incumbent must have an LL.B or JD degree from an accredited law school, must be admitted to practice before the highest court of a State, US territory, the District of Columbia, or the Commonwealth of Puerto Rico, and must maintain an active status as a member of the bar of one of these jurisdictions. Incumbent must have significant experience in providing legal advice at EPA, other federal, state or local agencies, or in private practice.

Extramural Resources Management Duties Checklist

This checklist must be used with all PDs to identify the percentage of time an employee is engaged in duties related to managing contracts, grants, cooperative agreements, and interagency agreements. For positions requiring performance of these duties for 25% or more of the employee's time, in addition to this checklist, such duties must also be described in the body (**major duties area**) of the PD.

Employee Information		Percentage of Time Spent on Extramural Resources Management	
Name	Sharon Wells	X	This position has no extramural resources management responsibilities.
Position Number	NO90515-002		Total extramural resources management duties occupy less than 25% of time.
Title	Supv Attorney - Advisor		Total extramural resources management duties occupy 25% to 50% of time. These duties are indicated below and described in the position description.

Series/Grade	GS-905-15		Total extramural resources management duties occupy more than 50% of time. These duties are indicated below and described in the position description.
Organization	OCR + Urban Affairs		

When this checklist is used as an amendment to a position description, the following signatures are required:

Supervisor's Signature	Deborah A. Brown	Date	6/16/15
Personnel Specialist's Signature	Michelle P. Brasseur	Date	7/2/15

Part 1. Contracts Management Duties

			Monitors management and performance of delivery orders/work assignments after award
Pre-award:			
	Plans Procurements		Defines scope of work for work assignments
	Estimates Costs		Approves payment requests of ACH drawdowns
	Obtains funding commitments		Manages cost-reimbursement contracts
	Prepares procurement requests		Reviews invoices
	Writes statements of work		Inspects and accepts deliverables
	Reviews statements of work		Other (list)
	Processes unsolicited proposals		
	Responds to pre-award inquiries		
	Participates in pre-award conferences		Close-out:
	Conducts technical evaluation of proposals		Writes reports on contractor performance, costs, and tasks performed
	Participates in debriefing/protests		Reconciles payments with work performance
	Other (lists)		Closes-out payments
			Performs cost accounting
Post-award:			Provides assistance to Contracting Officer in settling claims
	Prepares delivery orders		Other (list)
	Reviews contractor work plans		
	Reviews contractor progress reports		
	Monitors government-furnished property		Percentage of Time Spent on Contracts Management
	Monitors cost, management, and overall technical performance of contract after award		%

Continued

	Part 2. Grants/Cooperative Agreements Duties		Advises Grants Management Office of potential problems/issues
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Pre-application/Application:			Participates in decisions/actions to ensure
Prepares solicitation for proposals			successful project completion and in decisions to
Identifies potential grantees for area of program emphasis			impose sanctions
Makes initial determinations (whether project is procurement or assistance, whether agency has legal authority, whether applicant is eligible, whether funding is available, etc.)			Approves payments requests or ACH drawdowns
Provides administrative information to applicants			Reviews requests for modifications, additional funding, etc., and makes recommendations to Grants Management Office
Determines appropriateness of applicant's workplan/activities/budget and compliance with regulations and guidelines and negotiates changes with applicant			Negotiates amendments
Assists applicant in resolving issues in application			Reviews Cost/Price/Analysis for recipient
For cooperative agreement, determines substantial Federal involvement and develops a condition for agreement			contracts/change orders (Superfund only)
Negotiates level of funding			When necessary, recommends termination of the agreement
Conducts site visits to evaluate program capability			Resolves with Grants Management Office
Serves as resource to Selection Panel			administrative and financial issues
Informs applicants of funding decisions			Conducts periodic reviews to ensure compliance with agreement
Other (list)			Other (list)
Award:			Close-out:
Prepares funding package, including Decision Memorandum			Certifies deliverables were satisfactory and timely
Obtains concurrences/approvals			Provides assistance to recipients and Grants Management Office to ensure timely close-out
Reviews/concurs in completed document			Reconciles payment with work performed
Establishes project file			Notifies recipient of close-out requirements
Other (list)			Obtains legal assistance if necessary to resolve incomplete close-out
			If project is audited, responds to issues and ensures recipient complies with audit recommendations
			Other (list)
Project Management/Administration:			Percentage of Time Spent on Grants/Cooperative Agreements Management
Monitors recipient's activities and progress			
Reviews reports and deliverables and notifies recipient of comments			
Provides technical assistance to recipients			
Part 3. Interagency Agreements Duties			
Pre-Agreement:			
Plans and negotiates work effort			Monitors cost management and overall technical performance
Estimates costs			Participates in decisions about project modification/termination
Obtains funding commitments			Conducts periodic review of Superfund State Contracts payments receipts (Superfund only)
Prepares commitment notice			Inspects and accepts deliverables
Writes or reviews scope of work			Other (list)
Responds to pre-agreement inquiries			
Participates in pre-agreement conferences			
Coordinates with appropriate staff in developing Independent Government Cost Estimates (IGEs)			Close-out:
Negotiates and ensures execution of Superfund State Contracts (Superfund only)			Reviews final report
Performs technical evaluation of work plan and budget			Decides on disbursement of equipment
Prepares funding package and obtains necessary concurrences			Reconciles payments with work performed
Other (list)			Reviews Superfund State Contracts to ensure full reimbursement (Superfund only)
			Certifies deliverables
			Resolves close-out issues with Grants Management Office/other agency
			Other (list)
Project Management/Administration:			
Reviews progress reports/financial reports			Percentage of Time Spent on Interagency Agreements Management:
			%